



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

September 9, 2020

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Black Tie Limousine Service Inc.
Docket No. C-2018-3000163
Reply to Exceptions

Dear Secretary Chiavetta:

Enclosed for electronic filing is the **Reply to Exceptions** from the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission in the above-referenced matter. By separate transmittal, I&E is also concurrently filing I&E's Motion to Strike Exceptions.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Matthew C. Fallings".

Matthew C. Fallings
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 326896
(717) 783-6150
mfallings@pa.gov

MCF/ac
Enclosures

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3000163
	:	
Black Tie Limousine Service Inc.,	:	
Respondent	:	

REPLY TO EXCEPTIONS

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, Matthew C. Fallings, Esq., and files this Reply to Exceptions pursuant to Section 5.535 of the Commission’s regulations, 52 Pa. Code § 5.535. In support thereof, I&E respectfully represents as follows:

1. I&E’s Reply to Respondent’s "Exceptions to Findings of Fact 6": I&E will refer to the findings of fact identified by ALJ Buckley in the Recommended Decision issued on August 10, 2020. By way of further reply, Respondent does not offer any facts to contest whether Notice was sufficiently provided. Respondent also had maintained PUC operating authority, and this was the last known address provided to the PUC. For these reasons, Respondent’s “Exceptions to Findings of Fact 6” should be denied.

2. I&E’s Reply to Respondent’s "Exceptions to Findings of Fact 8": I&E will refer to the findings of fact identified by ALJ Buckley in the Recommended Decision issued on August 10, 2020. For this reason, Respondent’s “Exceptions to Findings of Fact 8” should be denied.

3. I&E's Reply to Respondent's "Exceptions to Findings of Fact 9": I&E will refer to the findings of fact identified by ALJ Buckley in the Recommended Decision issued on August 10, 2020. By way of further reply, Respondent does not offer any facts to contest whether Notice was sufficiently provided to Respondent, only that the COVID-19 pandemic may have affected some businesses. Respondent also had maintained PUC operating authority throughout this period. Lastly, Respondent does not contest whether it's address had been changed from what had been previously provided to the PUC.¹ For these reasons, Respondent's "Exceptions to Findings of Fact 9" should be denied.

4. I&E's Reply to Respondent's "Exceptions to Conclusions of Law 3": I&E will refer to the conclusions of law identified by ALJ Buckley in the Recommended Decision issued on August 10, 2020. By way of further reply, while Respondent may have cancelled its PPA authority, Respondent had maintained active PUC operating authority, and thus required evidence of insurance to be on file with the Commission. For these reasons, Respondent's "Exceptions to Conclusions of Law 3" should be denied.

5. I&E's Reply to Respondent's "Exceptions to Conclusions of Law 6": I&E will refer to the conclusions of law identified by ALJ Buckley in the Recommended Decision issued on August 10, 2020. By way of further reply, while Respondent may have cancelled its PPA authority, Respondent had maintained active PUC operating authority, and thus required evidence of insurance to be on file with the Commission pursuant to 66 Pa. C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), §

¹ I&E further notes that Respondent has maintained the address used for the Notice of the hearing as identified on the certificate of service on Respondent's "Exceptions" dated August, 30, 2020.

32.12(a) or § 32.13(a). For these reasons, Respondent's "Exceptions to Conclusions of Law 6" should be denied.

6. I&E's Reply to Respondent's "Exceptions to Order 1": I&E will refer to the ALJ Buckley's Order in the Recommended Decision issued on August 10, 2020. By way of further reply, I&E agrees that Respondent did submit a partial payment of the civil penalty in the amount of \$250, which was posted by the Commission on February 10, 2020. As such, I&E requests the Commission to modify the Recommended Decision to reflect Respondent's partial payment of \$250, and the need for Respondent to remit a further \$250 for complete payment of the \$500 civil penalty.

7. I&E's Reply to Respondent's "Exceptions to Order 2": I&E will refer to the ALJ Buckley's conclusions of law in the Recommended Decision issued on August 10, 2020. By way of further reply, please refer to I&E's reply number 6.

8. I&E's Reply to Respondent's "Exceptions to Order 3": I&E will refer to the ALJ Buckley's conclusions of law in the Recommended Decision issued on August 10, 2020. By way of further reply, please refer to I&E's reply number 6.

For the reasons set forth above, I&E respectfully submits that the Commission deny the Exceptions filed by Respondent, Black Tie Limousine Service Inc., and modify the Recommended Decision by ALJ Buckley to reflect Respondent's partial civil penalty payment of \$250, posted by the Commission on February 10, 2020, and require Respondent remit a further \$250 for complete payment of the \$500 civil penalty as requested in I&E's Formal Complaint.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3000163
	:	
Black Tie Limousine Service Inc.,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Reply to Exceptions** from the Bureau of Investigation and Enforcement (I&E) dated September 9, 2020, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail and Electronic Mail:

Joseph Gabbay
Black Tie Limousine Service Inc.
201 Browning Lane, Building B
Cherry Hill, NJ 08003
Gtowncab@gmail.com



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